



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In the Application of:

REBECCA E. CAHOON ET AL.

CASE NO.: BB-1289

APPLICATION NO.: 09/857,613

GROUP ART UNIT: 1638

FILED: JUNE 4, 2001

EXAMINER: P. T. BUI

FOR: PLANT VITAMIN E BIOSYNTHETIC ENZYMES

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PATENT

**PRELIMINARY AMENDMENT AND
RESPONSE TO RESTRICTION REQUIREMENT**

Commissioner of Patents and Trademarks
Washington, D.C. 20231

Sir:

This is a Preliminary Amendment and Response to Restriction Requirement which was set forth in the Office Action mailed October 1, 2002. A Petition for Extension of Time for three (3) months up to and including February 3, 2002 (Monday) is filed simultaneously herewith. Please enter the following:

IN THE SPECIFICATION:

Please amend the specification as follows (a marked-up version showing changes made is attached hereto):

Paragraph at page 2, lines 25-33:

C1 It is preferred that the isolated polynucleotides of the claimed invention consist of a nucleic acid sequence selected from the group consisting of SEQ ID NOs:1, 3, 5, 7, 9, 11, 13, 15, 17, 19, 21, 23, 25, 27, 29, 31, 33, 35, and 37 that codes for the polypeptide selected from the group consisting of SEQ ID NOs:2, 4, 6, 8, 10, 12, 14, 16, 18, 20, 22, 24, 26, 28, 30, 32, 34, 36, and 38. The present invention also relates to an isolated polynucleotide comprising a nucleotide sequences of at least 60 (preferably at least 40, most preferably at least 30) contiguous nucleotides derived from a nucleotide sequence selected from the group consisting of SEQ ID NOs:1, 3, 5, 7, 9, 11, 13, 15, 17, 19, 21, 23, 25, 27, 29, 31, 33, 35, 37, and the complement of such nucleotide sequences.

C2 [**Paragraph at page 3, lines 27-38:**]

The present invention relates to a method of obtaining a nucleic acid fragment encoding a substantial portion of a gamma-tocopherol methyltransferase or a